

02/28/02

1031 U.S. PTO

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PTO/SB/05 (03-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	96700/736
First Inventor	Martin S. Pavelka, Jr.
Title	UNMARKED DELETION MUTANTS OF MYCOBACTERIA AND METHODS OF USING SAME
Express Mail Label No.	EL565810575US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **40**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **3**]
5. Oath or Declaration [Total Pages **3**]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No.: **09 / 350,047**

Prior application information:

Examiner **James Martinell**Group Art Unit: **1633**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or



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Name (Print/Type)	Craig J. Arnold	Registration No. (Attorney/Agent)	34,287
Signature		Date	February 28, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

# AMSTER, ROTHSTEIN & EBENSTEIN

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February 28, 2002

via Express Mail

Assistant Commissioner for Patents  
Washington, D.C. 20231

Box Patent Application

Re: Rule 1.53(b) Continuation Application of  
U.S. Patent Application No. 09/350,047  
Title: UNMARKED DELETION MUTANTS OF MYCOBACTERIA  
AND METHODS OF USING SAME  
Applicants: Martin S. Pavelka, Jr. and William R. Jacobs, Jr.  
Our File: 96700/736

"Express Mail" mailing label no. FL565810575US

Date of Deposit: February 28, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Name: Craig J. Arnold

Signature: Craig J. Arnold

Dear Sir:

Pursuant to 37 C.F.R. § 1.53(b), enclosed please find a Continuation Application for patent in the names of S Martin S. Pavelka, Jr. and William R. Jacobs, Jr., including the following:

1. Utility Patent Application transmittal sheet (1 page);
2. a copy of the prior application including specification (37 pages), claims (2 pages), abstract (1 page), drawings (3 sheets);
3. a copy of the Declaration and Power of Attorney as originally filed in the parent application (3 pages); and
4. return receipt postcard.

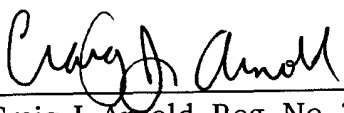
February 28, 2002

Please acknowledge receipt of the enclosed papers by stamping the enclosed post card and returning the same to us.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN  
Attorneys for Applicants  
90 Park Avenue  
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(212) 697-5995

Dated: February 28, 2002  
New York, New York

By   
Craig J. Arnold, Reg. No. 34,287

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